

Form for representations/objections from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:

<input type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	LEIGH HYATT
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)
N/A

Postal address of premises:	THE HARBOUR HOUSE, RYDE HARBOUR THE ESPLANADE RYDE ISLE OF WIGHT
Postcode:	PO33 1JA

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	P.C. 3007
Surname: BRADLEY	First Names: PAUL
Current postal address :	C/O NEWPORT POLICE STATION HIGH STREET NEWPORT ISLE OF WIGHT
Postcode:	PO301SZ
Daytime telephone number:	01983 538735
E-mail address: (optional)	paul.bradley@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select
one or more
boxes*

Please state the ground(s) for -representation-:

The Chief Officer of Police makes representations in response to an application for a full variation to the existing premises licence of Harbour, House, Ryde Harbour, Esplanade, Ryde.

This application has been submitted without any consultation with the police.

Changes proposed within the application are as follows.

Provision of live music (indoors and outdoors) to be extended from the current hours of 13:00 – 21:00 hrs to 10:00 – 23:00 hrs on all days.

Non-standard timing to be added to allow live music indoors and outdoors from the start hour on New Year's Eve (10:00 hrs) to the terminal hour on New Year's day (23:00 hrs). A running total of 37 hours.

Provision of recorded music (indoors and outdoors) to be extended from the current hours of 10:00 – 23:00 to 10:00 – 01:00 hrs on Thursdays, Fridays and Saturdays. Hours to remain the same as the existing licence during the rest of the week.

Non-standard timing to be added to allow recorded music indoors and outdoors from the start hour on New Year's Eve (10:00 hrs) to the terminal hour on New Year's day (23:00 hrs). A potential running total of 39 hours.

The addition of late night refreshment to allow the sale of hot food and drink from 23:00 – 01:00 hrs on all Thursdays, Fridays and Saturday.

Non-standard timing to again allow provision for this activity from the start hour on New Year's Eve to the terminal hour on New Year's day.

Supply of alcohol for consumption both on and off the premises to be extended from the current times of 10:00 – 23:00 hrs to 10:00 – 01:00 hrs on Thursdays, Fridays and Saturdays. To remain the same for the rest of the week.

The same non-standard timing as previously mentioned which would permit the supply of alcohol potentially up to 39 consecutive hours.

Hours that the premises are open to the public to be extended on Thursday, Fridays and Saturdays from the existing 10:00 – 23:00 to 10:00 – 01:30 hrs.

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Non-standard timing to be added for New Year's Eve as has been previously mentioned.

The Chief Officer of Police objects to this application on the grounds that the proposals will not support the prevention of crime and disorder, public safety or the prevention of public nuisance.

Harbour House sits on the opposite side of the walkway from Ryde Harbour. It consists of a small indoor area and a larger outdoor seating area. It is said to have a capacity of 45 people within the building and seating for around 90 people outside.

The original licence application which was received in January 2018 described the premises as an indoor/outdoor seasonal bistro which would sell quality food and drink. There would always be an emphasis on local produce.

The proposed times for licensable activities at that time were the same as the existing licence. The licence was granted with appropriate conditions.

In July 2019 an application to vary the premises licence was submitted to allow the addition of a pop-up bar servicing the outside area, which would sell cocktails, non-alcoholic drinks and sharing platters.

This saw the first movement away from the original stated intention to operate solely as a high quality Bistro providing only local produce and to start placing more emphasis on the sale of alcohol.

The most recent application for a full variation seems to confirm this as the premises is now described as a restaurant and cocktail bar. It has also been noted that rather than selling a small range of craft and premium alcoholic products to accompany a fine dining experience, the premises now sells cheaper, mass-produced alcoholic products to those who attend solely for the purpose of drinking, be that on or off the premises.

This change in the business model has gradually taken the premises towards a higher-risk area in terms of the likelihood of attracting incidents of ASB and crime and disorder.

These concerns began to be realised immediately after the COVID-19 lockdown was relaxed.

Premises were initially allowed to open for off-sales of food and drink in accordance with their existing premises licences. Stringent COVID – 19 measures had to be in place and customers had to abide by social distancing rules. Entertainment was initially not permitted and operators had a responsibility to ensure that people did not congregate in the 'adjacent areas' of their premises, effectively acting as an extended beer garden.

It should be said that this was a challenging time for many premises whilst getting to grips with a new means of operating and dealing with circumstances they would generally not have experienced.

The police received complaints about a number of premises across the Isle of Wight, however it is fair to say that the premises which attracted the most complaints by far was Harbour House and its adjacent area.

The police alone received 6 ASB complaints from 23rd – 25th May bank holiday weekend. This figure does not include verbal complaints made to patrolling officers, complaints made to the council and direct observations made by officers.

The reports in the main related to large groups of people standing outside the premises drinking, not socially distancing and making it hard for others passing by to do so.

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Concerns were raised with the owner and the DPS by P.C.S.O. Fennell at the time and P.C. Peachey who was off-duty at the time noted loud music being played on the premises and a group of between 40-50 drunk people on the walkway and sea wall outside the premises.

It should be noted that the playing of music noted by P.C. Peachey on the 25th May came after the owner had been advised against doing this by Environmental health officer Rachel Briscoe on the same day.

This began a long period of similar incidents and interactions with the owner of the premises to try and resolve the issues being experienced there.

The interactions with the owner, (Leigh Hyatt) consisted of providing her with training documentation, due diligence information, posters and advice on how she might best disperse any large groups of people who were drawn to the area and were staying there as a result of the premises selling them alcohol. That advice was fairly straightforward. Stop serving any people who ignored requests to remain socially distanced.

The number of ASB complaints to police dropped significantly over the next weekend although reports from P.C.S.O.'s Fennell and King indicated that people were reporting similar issues verbally to them and that they witnessed similar problems themselves. Police had to intervene to remind people to socially distance as the premises was not taking effective action to manage their customers.

However complaints continued to be received and despite advice and warnings the premises continued to sell alcohol to those congregating in large groups outside the venue. On occasion people were even seen sitting in the outside area which at the time was not permitted.

Finally it was felt that there was no alternative but to begin formal enforcement and in mid-June a written warning as part of a Community Protection Notice was issued. Harbour House is the only licenced premises on the Isle of Wight that it has been felt warranted such action.

Since that time the number of complaints has decreased dramatically and the owner has taken proactive steps to deal with the situation, such as employing SIA doorstaff on Thursday, Friday and Saturday evenings and putting up posters encouraging people not to congregate outside the premises.

There has also been a further easing on restrictions around gatherings and social distancing which has also made things easier to manage.

However there have still been the occasional problem.

In a report from 30th July, patrolling officers noted Pubwatch banned people on the premises (not for the first time) acting aggressively to each other. People appeared in drink and milling around and the crowd was described as 'toxic and bubbling'. The report mentions an unsubstantiated report of someone being hit over the head with a chair that same night.

A complaint was received by Andrew Wheeler from the community Safety partnership on 6th August from a local resident complaining about fights, intoxication and people who appeared under the influence of drugs.

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The premises itself has also been damaged on two separate, recent occasions, with a front window being smashed each time and on one occasion, furniture being damaged and thrown into the harbour.

Whilst a motive for this damage is not known, with no other premises in the area suffering similar attacks they could be an indicator of a high level of animosity felt towards the premises.

Documentation evidencing the above points will be included in a list of appendices to be presented to the licensing sub-committee for their consideration.

The issues for which the community protection notice was issued, (which in the main related to ASB) have decreased substantially, however they have not completely been resolved.

Police and council are still receiving ASB and crime complaints. People are still gathering in numbers outside the premises as a result of its off-sales provision, potentially risking public safety. This is despite the voluntary extra measures the owner has put in place to try and address the situation.

It is therefore hard to understand how increasing the hours for licensable activities would in any way support the licensing objectives and do anything other than result in an increase in further crime, disorder and ASB complaints.

This is particularly true of the proposed non-standard timings which can in no way be seen to promote the objectives and are simply the result of an idea of '36 hour opening' which was considered prior to the inception of Licensing Act but dismissed prior to it being enacted in 2005.

The Chief Officer of Police is therefore unable to support any extension of the permissions of the existing premises licence as outlined full variation.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

It is the view of the Chief Officer of Police that there are no additional conditions which might currently off-set the risks of an increase in ASB, crime and disorder or to public safety that the increase in hours for licensable activities will generate. The most obvious condition, the use of SIA on busier days is already being operated voluntarily and incidents are still being reported.

Signature of Officer Completing

Name PAUL BRADLEY

Collar Number: 3007

Signature: Paul Bradley

Date: 26/08/2020

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Signature of Authorising Officer

Name	<u>JULIAN AINSWORTH</u>	Collar Number:	<u>1878</u>
Signature:	<u>J.Ainsworth</u>	Date:	<u>26/08/2020</u>